

**IN THE
SUPREME COURT OF THE UNITED STATES**

No. _____

Nelson Daniel Centeno,
Petitioner-Applicant
v.
The People of Puerto Rico,
Respondent.

APPLICATION FOR ADDITIONAL TIME TO FILE PETITION FOR *CERTIORARI*

TO THE HONORABLE STEPHEN BREYER:

The Petitioner, Nelson Daniel Centeno, represented by his undersigned counsel, respectfully applies for an extension of time to file his Petition for Writ of *Certiorari* on the following grounds and for the following reasons:

1. Judgment affirming the conviction with written opinion was entered in the Supreme Court of Puerto Rico on September 9, 2021. It is reported as *Pueblo v. Centeno*, 2021 PRSC 133, 108 PR Offic. Trans. __ (2021). The official translation is attached as **Exhibit A** and has not yet been published. Petitioner qualified for and was represented in the courts of Puerto Rico by the Legal Aid Society (*Sociedad de Asistencia Legal*), which sought and obtained a certified translation. The opinion from the Puerto Rico Court of Appeals is not published.

2. A timely petition for reconsideration was filed before the Puerto Rico Supreme Court on September 22, 2021 and denied on November 2, 2021. A further

petition for reconsideration was filed on November 5, 2021 and denied on December 13, 2021 over the dissent of two Justices and with the abstention of one. **Exhibits B and C**, attached, are the official translations of those denials. All of these documents, as well as the pertinent rules and case law, are in Spanish.

3. It is counsels' professional opinion that this case presents one or more *certiorari*-worthy issues, including but not limited to the question of whether this Court's opinion in *Ramos v. Louisiana*, 590 U.S. ___, 140 S.Ct. 1390 (2020) overrides, *sub silentio*, a provision of Puerto Rico's Constitution (Art. II, sec. 11) and various provisions of its Rules of Criminal Procedure, all authorizing non-unanimous verdicts for not guilty as well as guilty verdicts.

4. Soon after the decision in *Ramos*, Puerto Rico's Supreme Court issued its opinion in *People v. Torres Rivera* (II), 204 DPR 288, 104 PR Offic. Trans. 22 (2020) requiring unanimity *to convict*. At Mr. Centeno's trial, the court rejected a prosecution request for an instruction requiring unanimity *to acquit*, while his counsel requested one requiring unanimity only to convict, and one consistent with Puerto Rico's Constitution and rules permitting acquittal by a vote of at least nine members. The prosecution appealed the trial court's denial of its request. The Court of Appeals affirmed. Finally, the Supreme Court reversed over vigorous dissent, holding that acquittal must also be by unanimous vote.

5. The decision below is of exceptional importance because it raises a fundamental question not only of the Sixth Amendment right to trial by jury, but also

a deeper one: the meaning of Due Process of Law in our adversarial criminal legal system. Puerto Rico's Supreme Court has ruled that this Court's decision in *Ramos* implies a symmetry required between the criteria for conviction and acquittal. Puerto Rico's lower courts disagree.

6. The decision below is critical to every criminal defendant tried by a jury in Puerto Rico and, indeed, affects the calculus of whether to proceed to trial, waive a jury, or plead guilty.

7. Finally, the decision below conflicts with that of the Supreme Court of Oregon, which determined, in *State of Oregon v. Ross*, 481 P.3d 1286 (2021), 367 Or. 560 (*en banc*), that "Ramos does not imply that the Sixth Amendment prohibits acquittals based on non-unanimous verdicts," under its analogous constitutional provision.

8. The Petition for *Certiorari* in this case is currently due on March 14, 2022.

9. The undersigned will not be able to complete the Petition by that date because of the difficulties inherent in not only needing official translations of specific documents, but also because reviewing the case file and conducting legal research involves material originally written in Spanish. Translations of critical documents were not received until January 31, 2022.

10. Given counsels' other professional commitments, at this point the undersigned have not conducted sufficient research to complete this Petition which

presents novel, but critical, issues. Approximately 45 additional days—until May 2, 2022—are requested.

WHEREFORE, it is respectfully requested that leave be granted to extend the time to file a Petition for *Certiorari* until May 2, 2022.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 3rd day of March, 2022.

s/Rachel Brill

Rachel Brill
263 Domenech Avenue
San Juan, PR 00918
(787) 753-6131
Counsel for Petitioner Nelson Daniel Centeno

s/ Linda Backiel

Linda Backiel
Ave. Sierra Morena #267 PMB 597
San Juan, PR 00926
(787) 751-4941
Counsel for Petitioner Nelson Daniel Centeno